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Letter dated 28 January 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a copy of the communication dated 27 January 1995 addressed to you by the Minister for Foreign Affairs of Ecuador concerning the conflict situation between Ecuador and Peru.

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly, under agenda item 74, and of the Security Council.

(Signed) Luis VALENCIA RODRIGUEZ
Permanent Representative

Annex

Letter dated 27 January 1995 from the Minister for Foreign Affairs of Ecuador addressed to the Secretary-General

I have the honour to refer to the relevant provisions of the Charter of the United Nations and to document A/50/60-S/1995/1, entitled "Supplement to An Agenda for Peace", particularly with regard to preventive diplomacy and peacemaking.

It is public knowledge that since the border incidents of 9 and 11 January initiated by the Peruvian army, the Ecuadorian Government has been urging the Peruvian Government repeatedly, through the diplomatic channel, to halt such acts of provocation, which violate Ecuadorian sovereignty and threaten international peace and the security of my country. Furthermore, at the Summit Conference of the countries members of the Andean Group, held at Santa Cruz, Bolivia, on 20 and 21 January, I had the opportunity to raise this issue with my Peruvian counterpart, who expressed to me his Government's readiness to resolve the crisis.

Today, however, Peru launched military operations against Ecuadorian army positions located in Ecuadorian territory. In exercise of the right of self-defence recognized in Article 51 of the Charter of the United Nations, my country was naturally compelled to respond to Peru's attacks.

In strict compliance with the provisions of the Charter, I should like to request you to inform the Security Council of the aggression against Ecuador and to take whatever steps you consider most appropriate.

I should like to inform you that the Secretary-General of the Organization of American States will visit Quito and Lima tomorrow to discuss the above-mentioned border conflict.

I have also contacted the Governments of the United States of America, Brazil, Chile and Argentina, whose countries are guarantors of the 1942 Protocol of Peace, Friendship and Boundaries, to ask them to send military observers to the border region between Ecuador and Peru.

(Signed) Galo LEORO
Minister for Foreign Affairs

APPENDIX

Memorandum

On 9 January 1995, a four-member Peruvian army patrol was captured to the north of the place known as Cueva de los Tayos on the upper reaches of the Cenepa river, an area which has traditionally been in the possession of Ecuador. According to the procedures agreed between the armies of Ecuador and Peru, the patrol was handed over to its battalion the next day.

On 11 January, another Peruvian patrol, consisting of 10 soldiers, was detected in the same area. When ordered to halt, the patrol opened fire. The attack was repelled by Ecuadorian troops.

On 12 January, the Ecuadorian Government protested vigorously to the Government of Peru at the violation of its national territory and the provocation by Peruvian military forces.

On 16 January, the Ministry of Foreign Affairs of Ecuador expressed its readiness to hold talks with the Lima Government, in a spirit of peaceful coexistence, with a view to agreeing on measures to avoid further military incidents of the kind that had occurred.

On 23 January, the Foreign Minister of Ecuador met with the Minister for Foreign Affairs of Peru at Santa Cruz de la Sierra and drew his attention to the urgent need to find a peaceful solution to the situation. The Foreign Minister of Peru said that his Government was very willing to arrive at a peaceful settlement and that the diplomatic talks taking place in Lima should therefore continue.

On 24 January, the Peruvian air force made incursions into the area of the upper reaches of the Cenepa river.

On 25 January, the President of the Republic called together the Chiefs of Mission of the guarantor countries of the Rio de Janeiro Protocol - Argentina, Brazil, Chile and the United States of America - to tell them about the incidents that had occurred in the Coangos-Cenepa area and to request their countries' support in arriving at a peaceful solution.

The representatives of the guarantor countries, meeting at Brasilia on 25 January, issued a statement in which they urged the parties to pursue their dialogue in order to avoid any aggravation of the tensions in the area. Recalling the progress made in the recent past, the guarantor countries expressed their satisfaction at the publicly stated readiness of Ecuador and Peru to give priority to finding a peaceful solution. They reiterated their offer to take appropriate steps to help reduce the frictions caused by the present situation.

On 26 January, a further clash took place when a Peruvian patrol was located in Ecuadorian territory in the area of the headwaters of the Cenepa river.

On 27 January, the Ecuadorian Foreign Ministry rejected outright an official Peruvian communiqué dated 26 January which sought to accuse Ecuador of committing an act of aggression by bombing, by helicopter, a Peruvian look-out post located in the Coangas-Cenepa area, allegedly in Peruvian territory.

On 27 January, Peruvian forces attacked the Cueva de los Tayos area. They launched further attacks on the Teniente Ortiz, Etza and Soldado Monge posts of the Ecuadorian army, which are located outside the conflict zone. The Teniente Ortiz army post has been there for the past 20 years and the Soldado Monge post is situated at the confluence of the Yaupi and Santiago rivers, to the north-east of Teniente Ortiz.

On 27 January, the guarantor countries issued a further communiqué at Brasilia, in which they reiterated the need for an early cessation of all military or non-military activities which might be interpreted as a threat or provocation. They offered to immediately put together a mission, composed of representatives of each guarantor country, to cooperate with Ecuador and Peru in giving full effect to their repeated offers to assist in resolving the situation.

At around 8 a.m. on 28 January, there were further Peruvian attacks in the Cueva de los Tayos area.

The President of the Republic of Ecuador has said that he will exhaust all peaceful means to find a just, realistic and honourable solution to the territorial problem, acceptable to both countries. To that end, he has been communicating repeatedly with the Government of Peru, through the diplomatic channel, in an attempt to secure a halt to the violations of Ecuadorian territory, which threaten international peace and Ecuador's security. Accordingly, he turned to the guarantor countries when it became clear that Peru was pursuing a policy of constant provocation and threats which was incompatible with the norms of international law. Ecuador has accepted the guarantor countries' proposals for securing a cessation of the attacks and the restoration of peace.

New York, 28 January 1995